

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KAMAL KITTRELL,

Petitioner,

v.

CASE NO. 2:08-CV-11256
HONORABLE AVERN COHN

SUSAN DAVIS,

Respondent.

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**ORDER DENYING PETITIONER'S MOTION
FOR A CERTIFICATE OF APPEALABILITY**

This is a habeas case under 28 U.S.C. § 2254. Michigan prisoner Kamal Sydney Kittrell ("Petitioner") was convicted of armed robbery, Mich. Comp. Laws § 750.529, felon in possession of a firearm, Mich. Comp. Laws § 750.224f, and possession of a firearm during the commission of a felony, Mich. Comp. Laws § 750.227b, following a jury trial in the Wayne County Circuit Court in 2004. Petitioner raised claims concerning the jury instructions, a missing witness and the lack of a missing witness instruction, the validity of his traffic stop and arrest, the sufficiency of evidence for the weapons offenses, the admission of the gun recovered from the vehicle, the denial of his request for self-representation, the denial of his request for a handwriting expert, the denial of his request for substitute counsel, the effectiveness of trial counsel, the denial of a pretrial identification hearing, the lack of compliance with a discovery order, and the conduct of the prosecutor. The Court denied the petition and also denied a certificate of appealability ("COA"). See Memorandum and Order

Denying the Petition for a Writ of Habeas Corpus And Denying a Certificate of Appealability, filed November 3, 2010. (Doc. 10)

Before the Court is Petitioner's "Motion for Certificate of Appealability," in which he requests a COA on some of the claims in the petition. Given that the Court has already denied a COA, the motion is MOOT.

To the extent Petitioner seeks reconsideration of the Court's ruling regarding a COA, the motion is DENIED. Petitioner's motion fails to convince the Court that it erred in declining to issue a COA. See E.D. Mich. LR 7.1(h)(3).

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: December 13, 2010

I hereby certify that a copy of the foregoing document was mailed to Kamal Kittrell, 276081, Huron Valley Complex - Men's, 3201 Bemis Road, Ypsilanti, MI 48197 and the attorneys of record on this date, December 13, 2010, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160